

#6



PATENT
Customer No. 22,852
Attorney Docket No. 7582.0005-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Bernth Johansson et al.) Group Art Unit: 3662
)
Application No.: 10/079,807) Examiner: Unknown
)
Filed: February 22, 2002)
)
For: Ground Penetrating Radar Array)
and Timing Circuit)

Commissioner for Patents and Trademarks
Washington, DC 20231

RECEIVED
DEC 05 2002
OFFICE OF PETITIONS

Sir:

PETITION UNDER 37 C.F.R. § 1.47(a)

Applicants petition the Commissioner of Patents and Trademarks under 37 C.F.R. § 1.47(a) to allow two joint inventors to sign an Oath or Declaration on behalf of a third non-signing inventor who refuses to join. The third non-signing inventor is Bernth Johansson, and the two joint inventors willing to sign are Alan J. Witten and Anthony J. Devaney.

United States Patent Application No. 09/658,188 (the grandparent application to the present application) was filed on September 8, 2000, in the U.S. Patent and Trademark Office (PTO) without any Oaths or Declarations executed by the inventors. The PTO mailed a Notice to File Missing Parts of Non-Provisional Application on October 27, 2000.

A Declaration and Power of Attorney was forwarded to Mr. Johansson on December 4, 2000. See Exhibit A. In a letter dated January 22, 2001, Mr. Johansson's

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, D. C. 20005
202-408-4000

09/13/2002 HBARZ11 00000031 10079807

06 FC:122

130.00 GP

attorney, Mr. Walter Linder, indicated that "Mr. Johansson will sign the declaration and power of attorney for this application only upon receipt of the written assignment of the application to MALÅ." See Exhibit B.

A second Declaration and Power of Attorney and a copy of the patent application were forwarded to Mr. Johansson by facsimile and DHL courier on May 8, 2001. See Exhibit C. The facsimile transmission was successful as evidenced by a "Job Status Report." See Exhibit D. The DHL courier successfully delivered the package, as evidenced by correspondence from DHL and a DHL bill. See Exhibit E. Mr. Johansson never responded to the correspondence of May 8, 2001.

To avoid abandonment of the application, Applicants filed Continuation Application No. 09/866,575 (parent to the present application) under 37 C.F.R. § 1.53(b) on May 29, 2001. Because the patent application was filed without Oaths or Declarations executed by the inventors, the PTO mailed a Notice to File Missing Parts of Non-Provisional Application on July 23, 2001.

A third Declaration and Power of Attorney and a copy of the patent application were forwarded via DHL carrier to Mr. Johansson on September 4, 2001. See Exhibit F. Mr. Johansson never responded to this correspondence. A fourth Declaration and Power of Attorney and a copy of the patent application were forwarded via facsimile and DHL carrier to Mr. Johansson and Mr. Linder on January 8, 2002. See Exhibit G.

In a letter dated January 14, 2002, Mr. Johansson indicated that he received the Declaration and Power of Attorney. See Exhibit H. In that letter, Mr. Johansson stated that, "No such license has been granted and thus we will not sign the papers."

RECEIVED COPY

To avoid abandonment of the application, a second continuation application (the present application) was filed under 37 C.F.R. § 1.53(b) on February 22, 2002.

Because the application was filed without Declarations or Oaths executed by the inventors, the PTO mailed a Notice to File Missing Parts of Non-Provisional Application on April 12, 2002.

A fifth Declaration and Power of Attorney and a copy of the patent application were forwarded via DHL carrier to Mr. Johansson also on May 23, 2002. See Exhibit I. Mr. Johansson never responded to this correspondence.

Thus, it is apparent that Mr. Johansson refuses to join the application apparently because of a license dispute. In lieu of an Oath or Declaration from Mr. Johansson, enclosed are Declarations from all the available joint inventors, Alan J. Witten and Anthony J. Devaney.

The last known home address of the non-signing inventor Bernth Johansson is:

Bernth Johansson
Hjortronstigen 35
S-930 70 Malå Sweden

The last known work address of the non-signing inventor Bernth Johansson is:

Bernth Johansson
Head of Research & Development
Malå GeoScience
Skolgatan 11
S-930 70 Malå Sweden

The last known address of Walter C. Linder, Mr. Johansson's attorneys is:

Walter C. Linder, Esq.
Faegre & Benson LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402-3901

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

Applicants respectfully submit that in view of the foregoing, the requirements of 37 C.F.R. § 1.47(a) have been met. Accordingly, Applicants request that this Petition to Under 37 C.F.R. § 1.47(a) be granted and that this application be examined as soon as possible.

A fee of \$130 as specified by 37 C.F.R § 1.47 and § 1.17(h) is included. Please charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 12, 2002

By: Kenneth M. Lesch
Kenneth M. Lesch
Reg. No. 44,868